

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:18-CV-321-WCM

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
v.)
)
APPROXIMATELY \$7,500 IN)
U.S. CURRENCY SEIZED FROM)
JAMES HUNTER ROGERS,)
)
 Defendant.)

ORDER OF DEFAULT JUDGMENT OF FORFEITURE

This matter is before the Court on the Government’s Motion for Default Judgment of Forfeiture pursuant to Fed. R. Civ. P. 55(b)(2).

The Government requests that the Court enter a Default Judgment of Forfeiture as to all persons and entities with respect to the \$7,500 in U.S. Currency (the “Defendant Currency”) named in the Complaint, other than James Hunter Rogers, whose claim has been withdrawn, released, and waived. [See Doc. 11].

On November 6, 2018, the Government filed a Verified Complaint (the “Complaint”) for Forfeiture *In Rem*, alleging that the Defendant Currency seized from Mr. Rogers on or about June 24, 2018, is subject to civil forfeiture under 21

U.S.C. § 881(a)(6). [Doc. 1]. The day after the Complaint was filed, the Clerk issued a Warrant of Arrest *In Rem* for the Defendant Currency. [Doc. 2].

The Government thereafter provided direct notice of this action to Mr. Rogers. Additionally, the Government provided notice by publication as to all persons with potential claims to the Defendant Currency by publishing notice via www.forfeiture.gov from November 9, 2018, until December 8, 2018. [Doc. 5].

On December 13, 2018, James Hunter Rogers filed a Claim [Doc. 4], asserting an interest in the Defendant Currency.

On May 3, 2019, James Hunter Rogers filed a notice withdrawing his claim, in which he makes clear that he “[w]ithdraws any and all claims of ownership in the Defendant currency, including any right, title, or interest in the Defendant currency,” and “[w]aives any and all further constitutional rights, or statutory claims specifically in regards to the seizure of the Defendant currency.” [Doc. 11, at 1]. No other individuals or entities have made a timely claim to the Defendant Currency.

On May 29, 2019, pursuant to Fed. R. Civ. P. 55(a), the Government filed a motion for entry of default as to all persons and entities, with the exception of Mr. Rogers, who has withdrawn, released, and waived his claim, and the Clerk entered default that same day. [Doc. 12, 13]. No other potential claimant has timely filed a claim or otherwise answered.

The Court has reviewed the Government's motion, and having done so finds that the Government has established that Default Judgment is appropriate. Specifically, the Court finds that the Government has established that the Defendant Currency is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6) because it constitutes: (1) money furnished or intended to be furnished by a person in exchange for a controlled substance in violation of the Controlled Substances Act; (2) proceeds traceable to such an exchange; and/or (3) money used or intended to be used to facilitate a violation of the Controlled Substances Act.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Government's Motion for Default Judgment of Forfeiture [Doc. 14] is **GRANTED**, and judgment is entered in favor of the United States against all persons and entities with respect to the Defendant Currency, other than James Hunter Rogers, whose claim has been withdrawn, released, and waived.

2. The claim to the Defendant Currency filed by James Hunter Rogers is **DISMISSED WITH PREJUDICE**.

3. Any right, title and interest of all persons and entities to the Defendant Currency is **FORFEITED** to the United States.

4. The United States Marshal is respectfully directed to dispose of the Defendant Currency as provided by law.

Signed: June 7, 2019

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

